

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

**IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
Mr. J. P. ROBINSON )  
P. O. BOX 5288 )  
ETNA, WY 83118 )  
RE: LIMITED MINING OPERATION NO. 566ET )**

**DOCKET NO. 4407-08**


**NOTICE**

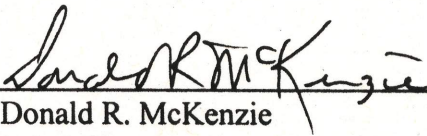
**NOTICE IS HEREBY GIVEN THAT:**

1. This Notice of Violation is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On November 20, 2008 an inspection of the J. P. Robinson Limited Mining Operation No. 566ET was conducted by John Erickson of the Land Quality Division, District II. The pit is located in the SW¼NW¼ Sec. 2, T.35N., R.119W., Lincoln County, Wyoming.
3. During the inspection, Mr. Erickson observed that topsoil stockpiled along the crest of the east highwall had been irretrievably wasted when the highwall was re-affected.
4. Failure to save and stockpile topsoil is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 4(b).
5. The inspection revealed that a legible Limited Mining Operation identification sign was not posted at the entrance to the operation.
6. Failure to post and maintain a sign showing the operator's name, address, and telephone number and the LQD Limited Mining Operation number is a violation of Land Quality Division Non- Coal Rules and Regulations, Chapter 10, Section 4(a).
7. The inspection revealed that topsoil stockpiles were not identified by signs.
8. Failure to clearly identify topsoil stockpiles with signs is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 4(b).
9. The last Annual Report submitted for Limited Mining Operation No. 566ET was received by the Land Quality Division on March 1, 2007. The 2008 Annual Report was due on or 30 days prior to February 27, 2008.
10. Failure to file an Annual Report is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 3 and Wyoming Statute §35-11-401(k).
11. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.
12. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

**NOTHING IN THE NOTICE** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 22 day of Dec, 2008

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Donald R. McKenzie  
Administrator  
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.